

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID ELLIOT WERKING,

Plaintiff,

Case No. 1:19-cv-276

v.

HONORABLE PAUL L. MALONEY

BETH EILEEN WERKING, et al.,

Defendants.

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**ORDER DISMISSING MOTIONS AS MOOT**

On May 3, 2019, Defendants filed a motion to dismiss the complaint (ECF No. 6) and a motion for summary judgment (ECF No. 7). On May 22, 2019, Plaintiff filed an amended complaint as a matter of course pursuant to Fed. R. Civ. P. 15(a)(1) (ECF No. 8). When filed, an amended complaint supersedes the original complaint, which becomes a nullity. *See Drake v. City of Detroit*, 266 F.App'x 444, 448 (6th Cir. 2008); *Klyce v. Ramirez*, 852 F.2d 568, 1988 WL 74155, at \* 3 (6th Cir. July 19, 1998) (per curiam) (unpublished table opinion) (collecting cases from other circuits). An amended complaint filed after a motion to dismiss has been filed renders the motion to dismiss moot. *See Bancoult v. McNamara*, 214 F.R.D. 5, 13 (D.D.C. 2003) ("Because the original complaint now is superseded by the amended complaint, the court denies without prejudice all pending motions pertaining to the original complaint."). Accordingly, the motion to dismiss the complaint and the motion for summary judgment are DISMISSED AS MOOT.

**IT IS SO ORDERED.**

Date: May 24, 2019

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge